

Message

From: Sutin, Elyana [Sutin.Elyana@epa.gov]
Sent: 1/10/2020 10:16:43 PM
To: Joffe, Brian [Joffe.Brian@epa.gov]; Schefski, Kenneth [Schefski.Kenneth@epa.gov]
CC: Volk, Everett [volk.everett@epa.gov]
Subject: RE: Info for call with Powertech next Monday, 1/13/20

I would hope we have someone by summer but, of course, there is no guarantee. The paralegal position is moving slowly. I still have not received the Job Analysis back from the SSC. I will check in with Josh and give you updates but we may need to think about plan B.

Elyana R. Sutin
Deputy Regional Counsel
U.S. EPA Region 8
1595 Wynkoop St.
Denver, CO 80202

work: 303.312.6899 | cell: 303.253.5149 | fax: 303.312.6859

From: Joffe, Brian <Joffe.Brian@epa.gov>
Sent: Friday, January 10, 2020 2:51 PM
To: Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Sutin, Elyana <Sutin.Elyana@epa.gov>
Cc: Volk, Everett <volk.everett@epa.gov>
Subject: Fwd: Info for call with Powertech next Monday, 1/13/20

Do we have a sense on timing and whether the paralegal will have room to work on DB?

Sent from my iPhone

Begin forwarded message:

From: "Chin, Lucita" <Chin.Lucita@epa.gov>
Date: January 10, 2020 at 2:20:13 PM MST
To: "Volk, Everett" <volk.everett@epa.gov>, "Joffe, Brian" <Joffe.Brian@epa.gov>
Subject: FW: Info for call with Powertech next Monday, 1/13/20

I know that our plan is to hire a paralegal at some point. Any chance that person might be on board before summer, and could that person help us with the DB admin record?

Lucita Chin
Senior Assistant Regional Counsel | Office of Regional Counsel | Media Law Counseling Section
Environmental Protection Agency Region 8 | 1595 Wynkoop St. | Mail Code: 8ORC-LC-M | Denver, CO 80202
Office: (303) 312-7832

From: Minter, Douglas <Minter.Douglas@epa.gov>
Sent: Friday, January 10, 2020 2:14 PM
To: Robinson, Valois <Robinson.Valois@epa.gov>

Cc: Bahrman, Sarah <Bahrman.Sarah@epa.gov>; Chin, Lucita <Chin.Lucita@epa.gov>

Subject: RE: Info for call with Powertech next Monday, 1/13/20

Thanks Valois: in terms of LOE, we should keep in mind that capturing the administrative record of all our work over the past many months will likely be substantial to prepare for appeal and litigation.

Douglas

From: Robinson, Valois <Robinson.Valois@epa.gov>

Sent: Friday, January 10, 2020 11:02 AM

To: O'Connor, Darcy <oconnor.darcy@epa.gov>

Cc: Boydston, Michael <Boydston.Michael@epa.gov>; Chin, Lucita <Chin.Lucita@epa.gov>; Bahrman, Sarah <Bahrman.Sarah@epa.gov>; Minter, Douglas <Minter.Douglas@epa.gov>; Arnold, Rick <Arnold.Rick@epa.gov>; Suchomel, Bruce <Suchomel.Bruce@epa.gov>

Subject: RE: Info for call with Powertech next Monday, 1/13/20

Hi Darcy,

Here are the answers to your questions for the Azarga call:

1. Work we need to complete before we issue the final permits:

- i. *We are working on reviewing public comments from the second public comment period now.*
- ii. *We need to decide whether and how to modify the draft permits, aquifer exemption, and supporting documents (CEA, EJ, maybe ESA) as a result of comments and make those changes.*
- iii. *We need to write responses to comments received during both public comment periods. We are using contractor support to help us manage the comment response process and the contractor has started to draft some responses where we know we aren't making changes. (We will probably seek help from Azarga to provide information to needed for some of the responses.)*
- iv. *We need to finalize our plan for compliance with NHPA and document that effort, and*
- v. *Finalize our tribal consultation process, including the response documents for each tribe describing how we took their concerns and comments into consideration.*

2. A list of the other issues or questions PT wants to discuss:

Based on the email from John Mays, we will be listening to them go over their high level comments/concerns on the Class III draft permit. Blake Steele sent a follow-up email stating he wanted to discuss the time frame for final permits.

Please let me know if there is anything more we can provide.

Valois

Valois Robinson

U.S. EPA Region 8

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Email: robinson.valois@epa.gov

From: Chin, Lucita <Chin.Lucita@epa.gov>

Sent: Friday, January 10, 2020 9:28 AM

To: Bahrman, Sarah <Bahrman.Sarah@epa.gov>; Minter, Douglas <Minter.Douglas@epa.gov>; Robinson, Valois <Robinson.Valois@epa.gov>; Arnold, Rick <Arnold.Rick@epa.gov>; Suchomel, Bruce <Suchomel.Bruce@epa.gov>

Cc: Boydston, Michael <Boydston.Michael@epa.gov>
Subject: RE: Call with Powertech next Monday, 1/13/20

ATTORNEY-CLIENT PRIVILEGE

Ex. 5 AC/DP

Lucita

Lucita Chin
Senior Assistant Regional Counsel | Office of Regional Counsel | Media Law Counseling Section
Environmental Protection Agency Region 8 | 1595 Wynkoop St. | Mail Code: 8ORC-LC-M | Denver, CO 80202
Office: (303) 312-7832

From: Bahrman, Sarah <Bahrman.Sarah@epa.gov>
Sent: Thursday, January 9, 2020 2:49 PM
To: Minter, Douglas <Minter.Douglas@epa.gov>; Robinson, Valois <Robinson.Valois@epa.gov>; Arnold, Rick <Arnold.Rick@epa.gov>; Chin, Lucita <Chin.Lucita@epa.gov>; Suchomel, Bruce <Suchomel.Bruce@epa.gov>
Subject: RE: Call with Powertech next Monday, 1/13/20

Hi all –

I talked to Darcy this afternoon about the Dewey timeframe and got her feedback. She does NOT want to tell Powertech next week that our timeframe to issue the final permits is the end of August, and she doesn't want to provide any timeframe at all for a couple of reasons:

1) She wants us to continue to look for opportunities to make this timeline shorter, and asked that we meet with her to discuss a plan before we share anything with Powertech.

2) **Ex. 5 Deliberative Process (DP)**

Ex. 5 AC/DP

Valois – Darcy also asked for a couple of things before the meeting:

1) Darcy will plan to handle questions about the timeframe. She asked for a few of sentences describing at a high-level what work we need to complete before we issue the final permits. She doesn't want to include timeframes, but just describe the work. Here's a draft if you could please review/revise:

Ex. 5 Deliberative Process (DP)

2) A list of the other issues or questions PT wants to discuss. I haven't seen that info – can you please send that to me and Darcy?

3) (not for Monday): Tribal consultation – Darcy asked that these letters go out as soon as possible. She also reminded me that we had discussed in Dec the need to wrap up consultation much earlier in the process of finalizing permits in order for us to have any chance to meaningfully consider that information. Can we get the letters out by the end of next week? If so, I think the deadline for response should be early Feb (+15 days from the date the letter goes out) for notice if tribes are interested in consultation and the end of March (+75 days) for the meetings to occur (based on Darcy's feedback).

Bruce/Douglas – This morning folks raised concerns about the quality of the draft comment response Cadmus submitted. I asked them to keep working with Cadmus to provide feedback so that the final deliverable doesn't require as much review/revision from us. Please think about what we can do under the SOW to provide more feedback – I'd like to know our plans for that as we really need Cadmus's help and need them to do a good job.

Thanks,
Sarah

Sarah E. Bahrman | Chief, Safe Drinking Water Branch | U.S. Environmental Protection Agency - Region 8
(p) 303.312.6243 | (c) 303.903.8515 | (f) 877.876.9101

From: Minter, Douglas <Minter.Douglas@epa.gov>
Sent: Tuesday, January 7, 2020 1:23 PM
To: Robinson, Valois <Robinson.Valois@epa.gov>; Arnold, Rick <Arnold.Rick@epa.gov>
Cc: Bahrman, Sarah <Bahrman.Sarah@epa.gov>
Subject: Call with Powertech next Monday, 1/16/20

Hi Valois/Rick: I reminded Darcy of our call with John and Blake next week and that we would mostly be listening to them go over their comments/concerns on the Class III draft permit. I also mentioned that Blake would be asking us about a final permit issuance date. In response, Darcy asked that we establish a firm timeframe for final permit issuance by next Monday in preparation for this call.

Please work with Sarah while I am out this week to come up with our best estimate for Darcy.

Sarah: anything more to add?

Thanks,

Douglas Minter, MPH
UIC Section Chief
1595 Wynkoop Street
USEPA Region 8

(303) 312 6079

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